

40



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,594	11/26/2001	Robert Hammock	52493.000164	8781
7590	01/14/2005		EXAMINER	
Jonathan D. Link Hunton & Williams Suite 1200 1900 K Street, N.W. Washington, DC 20006			HUTTON JR, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 01/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/994,594

Applicant(s)

HAMMOCK ET AL.

Examin r

Doug Hutton

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because Figures 4 and 5 contain text that is illegible. For example, in Figure 4, the text within the entry field "Report Description" is illegible. In Figure 5, the text in the table is illegible.

Patent applicants sometimes argue that a ***particular*** type of information contained within a database is patentably distinct from a ***different*** type of information contained within another database. For example, an applicant might argue that a database of insurance information is patentably distinguishable from a database of legal information. Thus, it is necessary that all text in the drawings be legible.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Art Unit: 2179

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 8, 11, 15, 16, 26, 29, 33, 34, 44, 47, 51 and 52 are objected to because of the following informalities:

- in Claim 8, Line 2, the term "productions" should be amended to — production — because that is how the element is previously identified (see "production sources" in Claim 1, Line 2); Claims 11, 16, 26, 29, 34, 44, 47 and 52 have the same problem.

Claims 9, 10, 12, 13, 27, 28, 30, 31, 45, 46, 48 and 49 are objected to because of the following informalities:

- in Claim 9, Line 2, the term "relates" should be deleted because it appears to be a typographical error; Claims 10, 12, 13, 27, 28, 30, 31, 45, 46, 48 and 49 have the same problem.

Claim 47 is objected to because of the following informalities:

Art Unit: 2179

- the number “43” in Line 1 should be amended to — 42 — because Claim 47 should depend upon Claim 42 (see corresponding Claims 11 and 29, which depend from Claims 6 and 24, respectively).

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-18:

The subject matter specified in the claims is non-statutory and fails to recite patent-eligible subject matter because it is not in the useful or technological arts.

Claims 1-18 recite a “process” that, as currently worded, could be performed by a person with pencil and paper only. The claims do not include a particular machine or apparatus, and no machine-implemented steps are recited. Every step is capable of performance by the human mind. A method of this sort, traditionally called a “mental process,” is not patentable subject matter.

“Phenomena of nature, though just discovered, “***mental processes***,” abstract intellectual concepts are not patentable as they are the basic tools of scientific and

Art Unit: 2179

technological work.” (emphasis added) *Gottschalk v. Benson*, 75 U.S.P.Q. 673, 675 (U.S.S.C. 1972). See also, *In re Prater and Wei*, 159 U.S.P.Q. 583 (1968), *rehearing* U.S.P.Q. 571 (1969).

Applicant may obviate this rejection by amending Claims 1 and 17 to specify a “**computerized** process.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 19, 22, 23, 37, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Anand et al., U.S. Patent No. 5,721,903.

Claim 1:

Anand discloses a process for generating reports related to new business production at a plurality of production sources located geographically apart from each other (see Figures 6-12; see Column 3, Line 11 through Column 5, Line 18; see Column 10, Line 37 through Column 11, Line 31 – Anand discloses this limitation in that the reporting system includes a data warehouse residing on geographically distributed database servers that stores data regarding “Business Concepts” and “Business

Indicators;" said reporting system generates reports using said data), the process comprising the steps of:

- receiving a request to generate at least one report related to new business production for at least one of the plurality of production sources (see Figures 6-12; see Column 5, Lines 11-18 – Anand discloses this limitation in that the reporting system includes a GUI that allows the user to submit a request for a report);
- receiving at least one selection parameter related to the at least one requested report, where the at least one selection parameter defines a portion of the information to be contained within the at least one report, and where the information has been received from the plurality of production sources (see Figures 6-12; see Column 5, Lines 11-18; see Column 5, Lines 50-62 – Anand discloses this limitation in that the reporting system includes a GUI that allows the user to specify parameters and enter choices of data used in creating a report);
- processing the at least one selection parameter, where the processing includes obtaining the portion of the information and formatting the at least one report (see Figure 12; see Column 17, Lines 35-53 – Anand discloses this limitation in that the reporting system processes the user input to generate a report); and
- generating the at least one report based on the processed selection parameters (see Figure 12; see Column 17, Lines 35-53 – Anand discloses this limitation in that the reporting system processes the user input to generate a report).

Claim 4:

Anand discloses the process of Claim 1, wherein the step of formatting the at least one report further comprises arranging contents of the report into an appropriate presentation format (see Figure 12).

Claim 5:

Anand discloses the process of Claim 1, wherein the step of processing further comprises converting the report into one or more application formats (see Figure 12; see Column 14, Line 40 through Column 15, Line 31 – Anand discloses this limitation in that the reporting system selects the format in which the data is displayed; for example, the reporting system may choose a pie graph or a bar graph).

Claims 19, 22 and 23:

Claims 19, 22 and 23 merely recite a system that performs the method of Claims 1, 4 and 5, respectively. Thus, Anand discloses every limitation of Claims 19, 22 and 23 as specified in the above rejections for Claims 1, 4 and 5.

Claims 37, 40 and 41:

Claims 37, 40 and 41 merely recite computer software that performs the methods of Claims 1, 4 and 5, respectively. Thus, Anand discloses every limitation of Claims 37, 40 and 41 as specified in the above rejections for Claims 1, 4 and 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6-18, 20, 21, 24-36, 38, 39, 42-54 are rejected under 35

U.S.C. 103(a) as being unpatentable over Anand.

Claim 2:

As indicated in the above discussion, Anand discloses every element of Claim 1. Anand also discloses a data warehouse that stores data regarding business concepts to describe indicators of the business's success, including products and profitability (see Column 3, Lines 31-37), and data that is used to tailor reports to the end user's particular business needs (see Column 4, Lines 23-28). Finally, Anand discloses a data warehouse that stores data regarding employee performance, inventory, marketing, revenue (see Figure 6), vendors (see Figure 7), products (see Figure 8) and sales (see Figures 10 and 11).

Anand fails to expressly disclose new business production relating to new business production of ***insurance*** products. However, the *particular type* of data that is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a database that generates reports about insurance products for the purpose of tailoring the reporting

system to the end user's particular business. For example, the reports might be tailored to meet the business needs of a retailer, a banker or a manufacturer. Similarly, the reports could have also been easily tailored to meet the business needs of an insurer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include new business production relating to new business production of insurance products for the purpose of tailoring the reporting system to the end user's particular business, as taught in Anand.

Claim 3:

As indicated in the above discussion, Anand discloses a data warehouse that stores data regarding business concepts to describe indicators of the business's success, including products and profitability (see Column 3, Lines 31-37), and data that is used to tailor reports to the user's particular business needs (see Column 4, Lines 23-28).

Anand also discloses a plurality of production sources that comprise at least one of:

- an agent (see Figure 6 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding employee performance);

- an agency (see Figures 6, 7, 8, 10 and 11 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding inventory, marketing, revenue, vendors, products and sales);
- a service agent (see Figure 6 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding employee performance); and
- a service agency (see Figures 6, 7, 8, 10 and 11 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding inventory, marketing, revenue, vendors, products and sales).

Anand fails to expressly disclose a plurality of production sources that comprise at least one of:

- an **insurance** agent;
- an **insurance** agency;
- a **financial** service agent; and
- a **financial** service agency.

However, the *particular type* of production sources for which data is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a database that collects data from insurance agents, insurance agencies, financial service agents and financial service agencies and generates reports about their products and performance for the purpose of tailoring the reporting system to the end user's particular business. For

example, the database might be tailored to collect data from a retailer, a banker or a manufacturer. Similarly, the database could have also been easily tailored to meet the business needs of an insurer and a finance company.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include a plurality of production sources that comprise at least one of:

- an insurance agent;
- an insurance agency;
- a financial service agent; and
- a financial service agency,

for the purpose of tailoring the reporting system to the end user's particular business, as taught in Anand.

Claim 6:

Anand discloses information received from the plurality of production sources relating to a plurality of products (see Figure 8 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data concerning “All Products”) and where information about at least one of the plurality of products includes information in a different format than information about at least one other of the plurality of products (see Column 3, Lines 31-46; see Column 14, Line 55 through Column 15, Line 31 – Anand discloses this limitation in that the reporting system includes “Business Concepts” and “Business Indicators” comprising data concerning a plurality of specific

products and companies; the reporting system also includes a “report generator” comprising several kinds of “knowledge” used to generate different output and actual layout information).

Anand fails to expressly disclose information relating to a plurality of **insurance** products. However, the *particular type* of information that is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a database that stores information about insurance products for the purpose of tailoring the reporting system to the end user’s particular business. For example, the database might be tailored to store sales information, banking information or supply information to meet the business needs of a retailer, a banker or a manufacturer. Similarly, the database information could have also been easily tailored to meet the business needs of an insurer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include information relating to a plurality of insurance products for the purpose of tailoring the reporting system to the end user’s particular business, as taught in Anand.

Claims 7 and 14:

Anand discloses a report containing information related to the plurality of products (see Figure 8 – Anand discloses this limitation in that the reporting system

includes a report generator that generates a report containing data concerning “All Products”).

Anand fails to expressly disclose information relating to a plurality of **insurance** products. However, the *particular type* of information that is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a report generator that generates reports about insurance products for the purpose of tailoring the reporting system to the end user’s particular business. For example, the report generator might be tailored to generate reports about retail products, banking products or supply products to meet the business needs of a retailer, a banker or a manufacturer. Similarly, the report generator could have also been easily tailored to meet the business needs of an insurer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include information relating to a plurality of insurance products for the purpose of tailoring the reporting system to the end user’s particular business, as taught in Anand.

Claims 8, 11, 15 and 16:

Anand discloses a report containing information related to the plurality of production sources (see Figure 8 – Anand discloses this limitation in that the reporting

system includes a report generator that generates a report containing data concerning “All Stores”).

Claims 9, 10, 12 and 13:

Anand discloses information, received from the plurality of production sources, that is about the production sources (see Figure 8 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data concerning “All Stores”) and where information about at least one of the plurality of production sources includes information in a different format than information about at least one other of the plurality of production sources (see Column 3, Lines 31-46; see Column 14, Line 55 through Column 15, Line 31 – Anand discloses this limitation in that the reporting system includes “Business Concepts” and “Business Indicators” comprising data concerning a plurality of specific products and companies; the reporting system also includes a “report generator” comprising several kinds of “knowledge” used to generate different output and actual layout information).

Claim 17:

Anand discloses a process for generating reports related to new business production of products at a plurality of production sources located geographically apart from each other (see Figures 6-12; see Column 3, Line 11 through Column 5, Line 18; see Column 10, Line 37 through Column 11, Line 31 – Anand discloses this limitation in that the reporting system includes a data warehouse residing on geographically

distributed database servers that stores data regarding “Business Concepts” and “Business Indicators;” said reporting system generates reports using said data), the process comprising the steps of:

- receiving a request to generate at least one report related to new business production for at least one of the plurality of production sources (see Figures 6-12; see Column 5, Lines 11-18 – Anand discloses this limitation in that the reporting system includes a GUI that allows the user to submit a request for a report);
- receiving at least one selection parameter related to the at least one requested report, where the at least one selection parameter defines a portion of the information to be contained within the at least one report, and where the information has been received from the plurality of production sources (see Figures 6-12; see Column 5, Lines 11-18; see Column 5, Lines 50-62 – Anand discloses this limitation in that the reporting system includes a GUI that allows the user to specify parameters and enter choices of data used in creating a report);
- processing the at least one selection parameter, where the processing includes:
 - a) obtaining the portion of the information (see Figure 12; see Column 17, Lines 35-53 – Anand discloses this limitation in that the reporting system processes the user input to generate a report);

- b) formatting the at least one report (see Figure 12; see Column 17, Lines 35-53 – Anand discloses this limitation in that the reporting system processes the user input to generate a report); and
- c) converting the report into one or more application formats (see Figure 12; see Column 14, Line 40 through Column 15, Line 31 – Anand discloses this limitation in that the reporting system selects the format in which the data is displayed; for example, the reporting system may choose a pie graph or a bar graph); and
- generating the at least one report based on the processed selection parameters (see Figure 12; see Column 17, Lines 35-53 – Anand discloses this limitation in that the reporting system processes the user input to generate a report).

Anand fails to expressly disclose information relating to a plurality of **insurance** products. However, the *particular type* of information that is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a report generator that generates reports about insurance products for the purpose of tailoring the reporting system to the end user's particular business. For example, the report generator might be tailored to generate reports about retail products, banking products or supply products to meet the business needs of a retailer, a banker or a manufacturer.

Similarly, the report generator could have also been easily tailored to meet the business needs of an insurer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include information relating to a plurality of insurance products for the purpose of tailoring the reporting system to the end user's particular business, as taught in Anand.

Claim 18:

As indicated in the above discussion, Anand discloses a data warehouse that stores data regarding business concepts to describe indicators of the business's success, including products and profitability (see Column 3, Lines 31-37), and data that is used to tailor reports to the user's particular business needs (see Column 4, Lines 23-28).

Anand also discloses a plurality of production sources that comprise at least one of:

- an agent (see Figure 6 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding employee performance);
- an agency (see Figures 6, 7, 8, 10 and 11 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding inventory, marketing, revenue, vendors, products and sales);

- a service agent (see Figure 6 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding employee performance); and
- a service agency (see Figures 6, 7, 8, 10 and 11 – Anand discloses this limitation in that the reporting system includes a data warehouse that stores data regarding inventory, marketing, revenue, vendors, products and sales).

Anand fails to expressly disclose a plurality of production sources that comprise at least one of:

- an **insurance** agent;
- an **insurance** agency;
- a **financial** service agent; and
- a **financial** service agency.

However, the *particular type* of production sources for which data is stored in the data warehouse and used to generate reports is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made (e.g., a database administrator and computer programmer) to design a database that collects data from insurance agents, insurance agencies, financial service agents and financial service agencies and generates reports about their products and performance for the purpose of tailoring the reporting system to the end user's particular business. For example, the database might be tailored to collect data from a retailer, a banker or a manufacturer. Similarly, the database could have also been easily tailored to meet the business needs of an insurer and a finance company.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reporting system, disclosed in Anand, to include a plurality of production sources that comprise at least one of:

- an insurance agent;
- an insurance agency;
- a financial service agent; and
- a financial service agency,

for the purpose of tailoring the reporting system to the end user's particular business, as taught in Anand.

Claims 20, 21 and 24-36:

Claims 20, 21 and 24-36 merely recite a system that performs the method of Claims 2, 3 and 6-18 respectively. Thus, Anand discloses every limitation of Claims 20, 21 and 24-36 as specified in the above rejections for Claims 2, 3 and 6-18.

Claims 38, 39 and 42-54:

Claims 38, 39 and 42-54 merely recite computer software that performs the methods of Claims 2, 3 and 6-18, respectively. Thus, Anand discloses every limitation of Claims 38, 39 and 42-54 as specified in the above rejections for Claims 2, 3 and 6-18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Dovich et al., U.S. Patent No. 6,308,168; Kawano, U.S. Patent No. 6,341,286; Engler et al., U.S. Patent Application Publication No. US 2004/0049465; Albert et al., U.S. Patent Application Publication No. US 2004/0205487; and Ratnaraj et al., U.S. Patent No. 6,185,567.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
January 12, 2005



**DOUG HUTTON
PATENT EXAMINER
TECH CENTER 2100**